No. 250

In the Supreme Court of the United States

OCTOBER TERM, 1955

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

THE BABCOCK AND WILCOX COMPANY

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SIMON E. SOBELOFF,
Solicitor General,
Department of Justice, Washington 25, D. C.

THEOPHIL C. KAMMHOLZ,
General Counsel,

DAVID P. FINDLING,
Associate General Counsel,

DOMINICK L. MANOLI,
Assistant General Counsel,

RUTH V. REEL,
Attorney,
National Labor Relations Board, Washington 25, D. C.

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The Solicitor General, on behalf of the National Labor Relations Board, prays that a writ of certiorari issue to review the judgment of the Court of Appeals for the Fifth Circuit entered on May 10, 1955, denying enforcement of an order issued by the Board against the Babcock and Wilcox Company (R. 53–57).[1]

OPINIONS BELOW

The opinion of the court below (App. A, *infra*, 15–22) is reported at 222 F. 2d 316. The findings of fact, conclusions of law, and order of the National Labor Relations Board (R. 50–82) are reported at 109 NLRB 485.

[1] "R" refers to the transcript of record and "B. A." to the appendix to the Board's brief in the court of appeals.

JURISDICTION

The judgment of the court below was entered on May 10, 1955 (App. A, *infra*, p. 22). The jurisdiction of this Court is invoked under 28 U. S. C. 1254, and Section 10 (e) of the National Labor Relations Act, as amended.

QUESTION PRESENTED

Whether an employer violates Section 8 (a) (1) of the National Labor Relations Act by prohibiting nonemployee union organizers from distributing union literature on his plant parking lot during the employees' free time, where it is unreasonably difficult for the union to reach the employees off company property in the immediate vicinity of the plant.[2]

STATUTE INVOLVED

The pertinent provisions of the National Labor Relations Act, as amended (61 Stat. 136, 29 U. S. C., 151, *et seq.*), are set forth in Appendix B, *infra*, p. 24.

[2] In its brief to the court of appeals, respondent also argued that the court should refuse enforcement because the Board's order was too broad in its scope. While the court below found it unnecessary to deal with the point, it announced that it agreed with respondent's contentions (App. A, p. 17). Since respondent will be free to renew this argument to sustain the judgment below, and since a remand in the face of the expressed view of the court would not result in the enforcement of the order, we shall argue, in the event that certiorari is granted, that the order is valid as entered by the Board.

STATEMENT

I

The facts

Upon the usual proceedings under Section 10 of the Act, the Board, on July 28, 1954, issued its findings of fact, conclusions of law, and order (R. 50–82). The facts may be summarized as follows:

Respondent's plant for the manufacture of boilers and auxiliary products is located on a 100-acre tract approximately one mile from Paris, Texas, a community of 21,000 people (R. 59–60, 66, 67; B. A. 12, 14, 81, 124). About 40 percent of its 500 employees live in Paris and the remaining 60 percent within a radius of 30 miles of the plant (R. 67–68; B. A. 10–12, 121–123, 125–126). Apart from taxi service, there is no public transportation to the plant (R. 67; B. A. 12–13, 123–124). Accordingly, more than 90 percent of the employees drive to work in private automobiles and park on company property adjacent to, but outside of, the fenced-in plant area (R. 67; B. A. 35, 81, 92, 125–126, 134). In order to enter the working area from the parking lot, employees must pass a guarded gatehouse and punch a time clock (R. 67; B. A. 134, 81–82, 34). Running from the parking lot to the state highway is a driveway, 30 feet wide and 100 yards long, which is on company property except where it crosses a public right-of-way extending 31 feet from the highway (R.

67; B. A. 134, 29–37, 66). There is no traffic light at the intersection of the driveway and the highway, and no regular police direction (R. 68). Posted along the highway as it passes respondent's premises are state highway signs reading "no parking" and "speed limit 60 miles per hour" (R. 68; B. A. 134).

While the employees were leaving work on three occasions during the summer of 1953, representatives of the United Steelworkers of America, CIO (herein called the Union), which was seeking to organize the plant, distributed union literature on the driveway near the highway intersection (R. 69–71; B. A. 85–86). Such distribution created a traffic jam at the intersection, causing cars to crowd bumper to bumper for some distance up the driveway, and the drivers to sound their horns and attempt to enter the highway three cars abreast. Upon noting this condition on one occasion, respondent's personnel director and its gateman proceeded to the front of the line, motioned the front cars to move along and shouted to the drivers not to block the driveway. (R. 69–70; B. A. 22–25, 49–56, 67–81, 84–85, 97–106.) Following the distribution on another occasion, local and state highway authorities instructed Union representatives that "distribution of union information in leaflet form at the point where the state highway links with [respondent's] parking lot road is hazardous to traffic, and must be discontinued" (R. 52, n. 3, 70; B. A. 129, 93).

Thereafter, respondent denied the Union's request for permission to distribute leaflets on or near the parking lot on the ground (1) that it had refused to grant similar permission to businessmen and (2) that such distribution would litter the property (R. 70–71; B. A. 26, 28, 17, 86, 93, 129–130). The Board found that respondent's prohibition against distribution on its parking lot was nondiscriminatorily adopted and applied against employees and all outsiders (R. 71, 51–52; B. A. 96–97, 125).

II

The Board's conclusions and order

The Board, adopting the findings of the Trial Examiner (R. 50–53), concluded that the underlying issue in this case was the proper accommodation between the employer's right to control the use of his property and the employees' right to receive information about unionization, essential to the exercise of their statutory right to self-organization (R. 73). Proceeding under the principle established in *National Labor Relations Board* v. *LeTourneau Company of Georgia*, 324 U. S. 793, where this Court held that an employer prohibition against distribution of union literature on a company parking lot by employee union members is invalid if it creates an unreasonable impediment to the employees' freedom of communication, the Board has considered that, absent special circumstances relating to plant produc-

tion or discipline, an employer is required to grant nonemployee organizers access to company parking lots if access to the employees on public property in the immediate vicinity of their place of work is impossible or unreasonably difficult (R. 73–74).

The Board here, adopting the trial examiner's findings, found that it was neither safe nor practicable for union representatives to distribute union literature on the company driveway or at the intersection of the driveway and the public highway (R. 74–76). The Board rejected (R. 76–77) respondent's contention that its parking lot prohibition did not constitute an unreasonable impediment to self-organization because the Union had other means of communicating with the employees—such as through the mails, on the streets of Paris, at their homes, and over the telephone. Viewing the place of work and the area adjacent thereto as the most practical and effective place for the communication of information and opinion concerning unionization, the Board concluded that it was "no answer to suggest that other means of disseminating Union literature are not foreclosed." The Board further found that respondent had failed to show any special circumstances to make its prohibition against distribution on the parking lot necessary in order to maintain plant production or discipline (R. 77). Accordingly, it concluded that respondent's denial of access to the parking lot was an unreasonable

impediment to the employees' right to self-organization, and hence a violation of Section 8 (a) (1) of the Act (R. 77).

The Board ordered (R. 53–57) respondent to cease and desist from prohibiting distribution of union literature by union representatives on its parking lot and along the walkways leading from its gatehouse to the parking lot and driveway, to rescind its no-distribution rule to this extent, and to post appropriate notices. The Board's order (R. 53) provided, however, that respondent may impose reasonable and nondiscriminatory regulations in the interest of plant efficiency and discipline, but not so as to deny access to union representatives for the purpose of such distribution.

III

The decision of the court below

The court below (App. A, pp. 15–22) set aside the order of the Board, distinguishing *National Labor Relations Board* v. *LeTourneau Company of Georgia*, 324 U. S. 793, on the ground that the distributors there, unlike in the instant case, were employee members of the union. The court stated that Section 7 of the Act gives nonemployees the right to enter upon an employer's premises for the purpose of engaging in union activity in two general situations: (1) where there is antiunion discrimination, as in *National Labor Relations Board* v. *Stowe Spinning Company*, 336 U. S. 226;

and (2) where union organization must proceed upon the employer's premises or be seriously handicapped because the employees live on company property, as in *National Labor Relations Board* v. *Lake Superior Lumber Corp.*, 167 F. 2d 147 (C. A. 6). Noting that the instant case presented neither of these situations, the court denied enforcement of the order.

REASONS FOR GRANTING THE WRIT

1. The decision of the court below conflicts with the decision of the Court of Appeals for the Sixth Circuit in *National Labor Relations Board* v. *Ranco, Inc.*, — F. 2d —, 36 LRRM 2136, enforcing 109 NLRB 998, and with decisions of the Court of Appeals for the Fourth Circuit in *National Labor Relations Board* v. *Caldwell Furniture Company*, 199 F. 2d 267, certiorari denied, 345 U. S. 907, enforcing 97 NLRB 1501; and *National Labor Relations Board* v. *Carolina Mills, Inc.*, 190 F. 2d 675, 676, enforcing 92 NLRB 1141–1142, 1165–1166.

The employer in *Ranco* had invoked a nondiscriminatory no-distribution rule to deny nonemployee union organizers access to his plant parking lot for the purpose of distributing union literature (109 NLRB 998, 1004–1005). The employees lived in a neighboring town (pop. 12,200) or within a radius of 25 miles of the plant and there was no evidence that they were inaccessible to the union away from the plant area (109 NLRB at 1003–1004). As in the instant case

(App., p. 18), the record was "devoid of proof that any employees were disciplined or in any manner discriminatorily dealt with by the [employer], or were or desired to be members of the union, or were in any way connected with or interested in the distribution by the union representative of its literature." The Board found that the prohibition against access to the parking lot was an unlawful interference with the employees' rights of self-organization and was violative of Section 8 (a) (1) of the Act because it was unreasonably difficult for the union to reach the employees off company property in the immediate vicinity of the plant (109 NLRB at 1000–1007). The Sixth Circuit, on the authority of *National Labor Relations Board* v. *LeTourneau Company*, 324 U. S. 793, and other cases, upheld the Board's cease and desist order directed against the employer.

Similarly, in *Caldwell Furniture* and in *Carolina Mills*, the Court of Appeals for the Fourth Circuit enforced Board orders directing employers to grant nonemployee union organizers access to company parking lots for the purpose of distributing union literature. In neither case did the employees live on company property (97 NLRB at 1505; 92 NLRB at 1165). Although the employer in *Carolina Mills* permitted other distribution on his parking lot, the prohibition in *Caldwell Furniture* was nondiscriminatory and the Court there granted enforcement on the authority of *National Labor Relations Board* v. *LeTourneau Company, supra.*

2. The Board believes that the court below erred in holding (App. A, p. 20) that "no rights of employees have been invaded or abridged" by the respondent in denying union representatives access to its parking lot for the purpose of distributing union literature.

In *Thomas* v. *Collins*, 323 U. S. 516, 533–534, this Court recognized that the statutory guarantee of self-organization by employees for purposes of collective bargaining includes not only the right of employees "fully and freely to discuss and be informed" concerning union matters, but also the "necessarily correlative" right of a "union, its members and officials * * * to discuss with and inform the employees" with respect to such matters. These rights cannot be effectively realized unless there are adequate avenues of communication not only among the employees but also between them and union representatives from whom the employees may receive advice or information with respect to their exercise of the rights guaranteed by the Act.

In the *LeTourneau* case, this Court held that an employer prohibition against the distribution of union literature by employees on a company parking lot constituted an unreasonable and therefore unlawful impediment to the employees' exercise of their statutory right to self-organization. The decision was based upon the premise that where employees live over a widely scattered area, the plant situs is, from a practical standpoint, the

only place where the employees can effectively communicate with one another for purposes of exercising their right to self-organization; hence, on balance, the employer's proprietary interest may properly be subordinated to the employees' interest in self-organization. Consistent with that premise, the Board considers that a similar ban against the distribution of union literature by nonemployee organizers is also invalid unless the employees are reasonably accessible in public areas in the immediate vicinity of the plant. Absent such access in the adjacent public area, serious practical barriers stand in the way of any attempt by such organizers to communicate with any large number of the employees. Weighing the employees' interest in self-organization against the employer's proprietary interest, the Board has, in such circumstances, struck a balance in favor of the employees.[3]

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[3] The decision of the Seventh Circuit in *Marshall Field and Company* v. *National Labor Relations Board*, 200 F. 2d 375, does not support the judgment of the court below. That case did not involve the right of union organizers to enter upon a company parking lot, but rather their right to come inside the employer's store for the purpose of engaging in union activity. Admittedly, the considerations which govern the right of access to the plant proper are different from those which control the right to enter upon company property outside the plant. Moreover, in that case the union organizers had opportunities to communicate with the employees at some locations both in, and immediately adjacent to, the store; hence the court concluded that there was no evidentiary basis for the Board's finding that the ban against further access to the employees else-

The court below and the Tenth Circuit, in *National Labor Relations Board* v. *Seamprufe, Inc.*, — F. 2d —, 36 LRRM 2095, in which the Board is also filing a petition for certiorari, have rejected the accommodation thus made by the Board between these two competing interests. The difference between the Board and the two courts does not turn upon a factual disagreement as to the relative facility of communication between employees and union representatives in and around the plant and elsewhere. Rather, the two courts appear to have adopted the view that, except where employees live and work on company property isolated from outside contacts, the employer's proprietary interest is paramount to the employees' interest in self-organization insofar as access by nonemployee organizers is concerned and that the employer may therefore lawfully bar such organizers from his premises. In reaching this conclusion, the two decisions, we think, run counter to the underlying premise of this Court's decision in *LeTourneau*.

3. The decision below presents an issue of law which is important in the administration of the Act and of practical everyday importance to employers, employees, and labor organizations. The

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where in the store seriously handicapped the employees' exercise of their statutory rights. It may also be noted that the Seventh Circuit did sustain that portion of the Board's order precluding the company from barring nonemployee union organizers from the private alleyway separating its store buildings (200 F. 2d at 38).

frequency with which the question has arisen, in the absence of a determination by this Court, is evidenced by the fact that it is now pending before the Court of Appeals for the Ninth Circuit, and has recently been before the Courts of Appeals for the Fourth, Fifth, Sixth and Tenth Circuits.[4]

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this petition for certiorari should be granted.

SIMON E. SOBELOFF,
Solicitor General.

THEOPHIL C. KAMMHOLZ,
General Counsel,

DAVID P. FINDLING,
Associate General Counsel,

DOMINICK L. MANOLI,
Assistant General Counsel,

RUTH V. REEL,
Attorney,
National Labor Relations Board.

JULY 1955.

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[4] *National Labor Relations Board* v. *Monsanto Chemical Company* (C. A. 9, No. 14472); *National Labor Relations Board* v. *Caldwell Furniture Company*, 199 F. 2d 267 (C. A. 4), certiorari denied, 345 U. S. 907, enforcing 97 NLRB 1501; *National Labor Relations Board* v. *The Babcock and Wilcox Company*, 222 F. 2d 316 (C. A. 5); *National Labor Relations Board* v. *Ranco, Inc.*, — F. 2d — (C. A. 6), 36 LRRM 2136; *National Labor Relations Board* v. *Seamprufe, Inc.*, — F. 2d — (C. A. 10), 36 LRRM 2095.

APPENDICES

APPENDIX A

In the United States Court of Appeals for the Fifth Circuit

No. 15311

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

THE BABCOCK AND WILCOX COMPANY, RESPONDENT

PETITION FOR THE ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD, SITTING AT WASHINGTON, D. C.

May 10, 1955

Before HUTCHESON, *Chief Judge,* HOLMES, *Circuit Judge,* and DAWKINS, *District Judge.*

HUTCHESON, *Chief Judge:* Based upon a finding that the respondent had engaged and was engaging in unfair labor practices violative of Section 8 (a) (1) of the Act, by its maintenance and enforcement of a rule prohibiting distribution of literature on its premises to the extent that such rule barred union representatives from making distribution of union literature on its parking lot, walkways, and drive, the board entered the order[1] which is the

[1] "Upon the entire record in this case, and pursuant to Section 10 (c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders

subject of this controversy, and, the respondent declining to obey the order, the Board is here seeking its enforcement on the ground that, within the principle established in *N. L. R. B.* v. *LeTourneau,* 324 U. S. 793, the order is valid and must be enforced.

Respondent does not contest the principle established in LeTourneau's case. Instead, it insists that that case is completely without application here, because involved there was the discharge of

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that the Respondent, The Babcock and Wilcox Company, Paris, Texas, its officers, agents, successors, and assigns, shall:

"1. Cease and desist from:

"(a) Prohibiting the distribution of union literature by union representatives on its parking lot and alongside the walkways from the gatehouse to the parking lot and the drive, provided, however, that the respondent may impose reasonable and non-discriminatory regulations in the interest of plant efficiency and discipline, but not as to deny access to union representatives for the purpose of effecting such distribution.

"(b) Engaging in any like or related acts of conduct which interferes with, restrains, or coerces its employees in the exercise of their right to self-organization, to form labor organizations, to join or assist United Steelworkers of America, C. I. O., or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities, etc. * * *

"2. Take the following affirmative action which the Board finds will effectuate the policies of the Act.

"(a) Rescind immediately its rule prohibiting the distribution of union literature by union representatives on its parking lot at its Paris, Texas, plant, and alongside the walkways from the gatehouse to the parking lot and the drive.

"(b) Post the usual notices, etc.

employees, members of the union, for distributing union literature in violation of the company's non-distribution rule, while here no action has been taken against any employee of the company, nor is any employee in anywise involved. Pointing out that the sole question presented for decision here is whether union representatives, not employed by or otherwise connected with the company and not working in concert with or upon the solicitation of any of its employees, can solely in their own interest and for their own benefit compel the employer to discriminatorily enforce in their favor a non-discriminatory rule which the examiner and Board find has been non-discriminatorily enforced, prohibiting the distribution of any kind of literature upon the employer's premises, it urges upon us that nothing in the language or spirit of the statute and nothing in any of the decisions at all supports or warrants the Board's cease and desist order.

Secondarily, respondent insists that, if contrary to its firm view, the non-discriminatory enforcement against union representatives of its non-distribution rule is an unfair labor practice, subdivision (b) of the order is not based on but goes far beyond both the findings and the facts in the case.

Because, for the reasons hereafter briefly stated, we agree with respondent that the enforcement of the order must be denied, although we agree also with its secondary proposition, that the order was too broad, it will not be necessary to discuss or deal with it.

In *Marshal Field and Company* v. *N. L. R. B.*, 200 F. (2) 375, a case involving activities of both

employee and non-employee union members, the Court of Appeals for the Seventh Circuit, in a thoroughly considered and well reasoned opinion, has recently and we think correctly discussed the principle invoked here and analyzed the authoritative cases dealing with it.

Pointing out that the courts have held that Section 7 of the Act gives a right to a non-employee to enter and solicit union membership on employer's premises under two general situations, the first of which is where there has been discrimination, *N. L. R. B.* v. *Stowe,* 336 U. S. 226, and *Bonwit-Teller* v. *N. L. R. B.,* 197 F. (2) 640, and the second is where union organization must proceed upon the employer's premises or be seriously handicapped, *N. L. R. B.* v. *Lake Superior Lumber Corp.,* 167 F. (2) 147, the opinion goes on to present a complete and, we think, entirely correct analysis of the opinion of the Supreme Court in the two controlling cases, *Republic Aviation Corp.* v. *N. L. R. B.,* and *N. L. R. B.* v. *LeTourneau,* 324 U. S. 793 and of its teachings and effect. This analysis shows: (1) that those cases involved only union organizers who were employees of each company respectively; (2) that in each case employee organizers were discharged for violation of the non-distribution rule; and (3) that the sole question presented here was not in any way presented, dealt with, or discussed there. This question is whether, on a record devoid of proof that any employees were disciplined or in any manner discriminatorily dealt with by the respondent, or were or desired to be members of the union, or were in any way connected with or interested in the distribution by the union representatives of its literature, the board had authority to

require the respondent to institute in favor of non-employee union organizers, complete strangers to it and to its employees, a discriminatory non-enforcement of its non-distribution rule, which the proof showed and examiner and board found had always and uniformly been enforced in a completely non-discriminatory way.

We find ourselves in full agreement with the conclusions announced in the opinion in the Marshal-Field case, *supra,* and with the reasoning upon which those conclusions are based. We find ourselves in full agreement too with the contention of the respondent that the orders of the board in this case are not in accordance with but in direct violation of the letter and spirit of the Labor Management Act, as amended.[2] Indeed we are at a loss to understand how on this record, which contains neither findings, nor evidence furnishing a basis for findings, that the rights or interests of respondent's employees are involved or will be furthered by compelling the respondent

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[2] "Sec. 141. Short title; Congressional declaration of purpose and policy.

"(a) * * *

"(b) * * * It is the purpose and policy of this chapter, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the right of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management, which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce. * * *"

to institute a discriminatory application in favor of a particular labor union of its non-distribution rule, the board can take to itself the power to accord the union rights which the statute does not accord it by imposing against the respondent, in favor of a particular union, a servitude on its property which the law, neither in terms nor in spirit, accords to it, in a case, too, where no employee is involved, no employee is complaining, and no rights of employees have been invaded or abridged by the respondent. We think that the order is itself in violation of the Labor Management Act and of the board's duty to impartially enforce it as between union and management in the interest of neither but only in the interest of the employees.

Said Mr. Justice Reed, the organ of the Supreme Court in the *LeTourneau* case, dissenting in Stowe's case, *supra:*

> It is only when there is a violation through an interference with or a restraining or coercion of employees' rights under Sec. 7 that an unfair labor practice finding may be predicated on the employer's acts. The employer is not required to aid employees to organize. The law forbids only interference.

Whatever may be said of the correctness of this statement as applied to the facts of that case, which involved anti-union discrimination with respect to a company owned meeting hall in a quasi-company town and the discharge of four employees for union membership, it is certainly a correct statement of the law as applied to the facts of this case, and we think we cannot better

draw a distinction between this case and *LeTourneau's* case than it is drawn in the following quotation from that dissent:

> It has never been held that where the employees do not live on the premises of their employer a union organizer has to be admitted to those premises. The present situation differs from the employer-controlled areas where employees both live and work in that here union organizers may solicit the employees on the streets or in their homes or at public meeting houses within a few miles of their employment. Employees are not isolated beyond the hours of labor from an organizer nor is an organizer denied access to the employees. After an organizer has convinced an employee of the value of union organization, the employee can discuss union relations with his fellow employees during non-working hours in the mill. This gives opportunity for union membership proliferation. *Republic Aviation Corp.* v. *N. L. R. B.* and *N. L. R. B.* v. *LeTourneau Company of Georgia,* 324 U. S. 793.
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> The present case differs from the *LeTourneau* and *Republic* cases in that in those cases the problem concerned the right of an employer to maintain discipline *by forbidding employees to foster by personal solicitation union organization on the grounds or in the plant of the company during the employees' non-working time. We held that, unless there were particular circumstances that justified such a regulation to secure discipline and production, the employer must allow such discussion.*

[Emphasis supplied.] *N. L. R. B.* v. *Stowe*, 336 U. S. at 243.

Enforcement of the Board's order is denied.

Judgment

Extract from the Minutes of May 10, 1955

No. 15311

NATIONAL LABOR RELATIONS BOARD,

v.

THE BABCOCK AND WILCOX COMPANY

This cause came on to be heard on the petition of the National Labor Relations Board for the enforcement of an order of the National Labor Relations Board, made on July 28, 1954, in the Matter of "The Babcock and Wilcox Company, and United Steelworkers of America, CIO, Case No. 16-CA-671," and was argued by counsel;

On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the petition for enforcement of the order of the National Labor Relations Board in this cause be, and the same is hereby, ordered denied.

Decree filed—July 12, 1955.

In the United States Court of Appeals for the Fifth Circuit

No. 15311

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

THE BABCOCK AND WILCOX COMPANY, RESPONDENT

Decree

Before HUTCHESON, Chief Judge, HOLMES, Circuit Judge, & DAWKINS, District Judge.

BY THE COURT:

This cause came on to be heard upon the petition of the National Labor Relations Board to enforce its order dated July 28, 1954. The Court heard argument of respective

counsel on March 29, 1955, and has considered the briefs and the transcript of record filed in this cause. On May 10, 1955, the Court, being fully advised in the premises, handed down its decision denying enforcement of the Board's order. In conformity therewith, it is hereby

Ordered, adjudged and decreed that enforcement of the Board's said order directed against Respondent, The Babcock and Wilcox Company, Paris, Texas, its officers, agents, successors, and assigns, be and it hereby is denied...

Entered: July 12, 1955.

APPENDIX B

The relevant provisions of the National Labor Relations Act, as amended (61 Stat. 136, 29 U. S. C. 151, *et seq.*), are as follows:

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

UNFAIR LABOR PRACTICES

SEC. 8. (a) It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

* * * * *

U. S. GOVERNMENT PRINTING OFFICE: 1953